

REMARKS/ARGUMENTS

The Office Action mailed August 7, 2003 has been received and its contents carefully considered. Claims 1-16 were pending in the present application prior to the above amendments. Claims 6 and 11 have been amended and, accordingly, all claims 1-16 remain pending in the present application. For the reasons set forth in detail below, all claims are now believed to be in condition for allowance.

Initially, the Office Action objects to the drawings for including a typographical error in FIG. 7. More particularly, the term "and" is misspelled as "andd". The error has been corrected and a substitute drawing page has been included with the present Amendment. Withdrawal of the pending drawing objection is respectfully requested.

Turning now to the examination on the merits, the present Action initially rejects claim 11, is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. More particularly, the Examiner indicates that claim 11 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Even more specifically, the Examiner indicates that Applicant fails to disclose the mechanism of a file importation program to convert and create the claimed legacy files to various claimed portions with various claimed formats. As such, the Examiner concludes that the claim does not enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As subsequently mentioned by the Examiner, Fig. 2 and Fig. 6 of the present application (as well as paragraphs [0017]-[0021]) support the performance of the claimed functions are done by the file extraction program, rather than the erroneously claimed file importation program. Accordingly, claim 11 has been amended to correct this error. Withdrawal of the pending rejection is respectfully requested.

The Official Action next rejects claims 1-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically regarding claims 1 and 11, the Examiner indicates that it is unclear what the claimed first format file server refers to. In response to this rejection, Applicants submit that the specification as originally filed fully supports a first format

file as being the legacy file server 100, since this is the file server from which legacy (i.e., first format) data files are extracted from (see specification at ¶ [0016]-[0017]). Of course, Applicant could simply amend each claim to recite “legacy” rather than “first format” and “current” rather than “second format”. However, because this language may be more narrowly construed than that presently claimed, Applicant would prefer to maintain the present language. Given the various processes and steps of the recited specification, the relationship between claimed terminology and that recited in the specification is clear.

Regarding claim 6, the Examiner indicates that it is unclear where the claimed conversion verification program resides [i.e., whether it resides on the file verification server, or the claimed file extraction server, or others?]. Additionally, the Examiner indicates that the term “the file extraction server” lacks a proper antecedent basis. In response to the Examiner’s rejection, Applicant respectfully submits that the location of residence of the conversion verification program is not germane to the patentability of claim 6. Rather, it is the functions performed by the various claimed programs which define the invention of this claim. In one embodiment of the present invention, as set forth in ¶ [[0018] of the specification, the conversion verification program resides on the verification server 104. However, as stated in ¶ [0019], the relative location and connectivity of the various servers and programs is not limited to the recited embodiments. Regarding proper antecedent basis for “the file extraction server”, Applicant has amended claim 6 accordingly to remove reference to the file extraction server and replace it with the file extraction program. In view of the above amendments and remarks, Applicant respectfully requests withdrawal of the pending rejection.

The Official Action next rejects claims 1-16, 35 U.S.C. § 103(a) as being unpatentable over Day, III et al. (U.S. Patent No. 6,185,580), in view of Crawford (U.S. Patent No. 6,411,943). More particularly, regarding claims 1, 6 and 12, the Examiner cites the Day reference for disclosing a system with means, method and computer program product, for converting a plurality of data files and associated information from a first file format to a second file format [e.g. see Fig. 1 ; col. 1, lines 25-31], comprising: a) a legacy file server for storing a plurality of legacy data files in a first file format [e.g. see Fig. 2, wherein the legacy server (212) coupled to the disk controller (220) to store data files into a plurality of storage devices (e.g. 230, 232, 234)]; b) a file extraction program [e.g., the virtual file system emulating program of the

intermediary controller (250), Fig. 2; col. 2, lines 9-16] for retrieving the legacy data files, indexing, and work history information from the legacy file server [col. 2, lines 9-16; col. 4, lines 12-13, lines 21-26; lines 53-55; Fig(s). 5-6]; c) the file extraction program [e.g., the physical information and extension (PIE) file of the intermediary controller (250), Fig. 2] further operating to convert the legacy data files and related information into data files meeting a current selected format [col. 2, lines 10-16, lines 20-33; col. 6, lines 19-27; Fig(s). 5-6].

Additionally, the Examiner cites Day for disclosing the use of a disk array controller to check for the hit of a requested data block [col. 1, lines 27-29]. However, the Examiner also indicates that the Day reference does not expressly teach: 1) applying a verification program for ensuring that the conversion made by a file extraction server; 2) a file importation program to import the newly converted data files into a format file server. To remedy these noted deficiencies, the Examiner cites the Crawford reference for disclosing: 1) applying a verification program [e.g. the Boot Customer Computer program(502), Fig. 10], for ensuring that the conversion made by a file extraction server is completed without error [e.g. see col. 32, lines 3-9; Fig(s). 10-11]; 2) an importing program [e.g., the communication software, col. 17, line 51; or the communication link module (150), Fig. 5] to load the newly converted data files into a format file server [col. 17, lines 47-66; the Replica Server Router Control (480), Fig. 9].

The Examiner then determines that it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to combine the teachings of Day and Crawford, by adding a verification program and communication software as taught by Crawford in Day's disk controller, because by doing so, the system is allowed to check the completion of the data file as it go through the conversion processing made by the file extraction server (or the replica server) and thus, import/export the converted files as online service control data to a desired format file server [e.g., see the steps 502-504, Fig. 10] via the communication software as suggested by Crawford.

Regarding claims 2-5, 7 and 13-16, the Examiner indicates that the Day and Crawford references teach all the features as claimed, and further that the Crawford reference discloses that the file extraction program (i.e. the local disk access program, the Remote Disk access Program, Fig. 6E) is resident on a file extraction server [i.e., the online Service Replica Server (160), Fig. 6E] operatively connected to the legacy file server [e.g., the online Service Host computer

system (104), Fig. 6E]. wherein, the file extraction server [e.g., the Replica Computer (160), Fig. 3] comprising the following functions: a) receiving a listing of files to be converted from one format to second format via the communication link [150, Fig. 3; steps 404-406, Fig. 8A]; b) determining an accuracy of the second format data file, if it is not accurate than generating an error message [col. 37, lines 4-9]; c) creating a virtual disk to include indexing information [col. 6, lines 6-16; col. 19, lines 17-25; lines 29-34]; d) converting media and document from first format to second format by using a replica [col. 10, lines 9-12].

Regarding claims 8-10, the Examiner indicates that Day and Crawford teach all the features as claimed, and that the Crawford reference further discloses that the conversion verification program [e.g. the Security module of the Customer Computer System(SO), Fig. 6E] is resident on a conversion verification server [e.g. the Customer Computer System(50), Fig. 6E] operatively connected to the legacy file server [e.g., the online Service Host computer system (104), Fig. 6E] and the file extraction server [i.e., the online Service Replica Server (160), Fig. 6E] via a network [e.g., col. 4, lines 34-54; the LAN(82), the Communication Controllers (112a), Fig. 4].

For at least the reasons set forth in detail below, Applicant respectfully disagrees with the Examiner's position regarding the respective teachings of the Day and Crawford references. The present application is directed toward a robust method of converting complex data files from a first format to a second format. Contrarily, the Day reference is related to translating file locations for disk controllers, so as to avoid the need to actually move data between disk structures. 1. More particularly, claim 1 of the present application recites a method for converting a plurality of data files and associated information from a first file format to a second file format comprising the steps of: 1.) extracting at least one data file from at least one first format file server, wherein the at least one data file includes a first format image portion and a first format work information portion; 2.) converting the first format image portion of the at least one data file to a second format image portion; 3.) converting the first format work information portion of the at least one data file to a second format work information image portion; 4.) creating a second format data file including both the second format image portion and the second format work information image portion; and 5.) importing the second format data file into a second format file server.

Regarding step 1, the Examiner asserts that this step is disclosed by the virtual file system emulating program of Day. However, the very name of the Day program (“virtual file system emulating program”) clearly indicates that any file translation is merely virtual and does not result in the actual extraction of the file in question. Rather, maps to a location on the original host device and acts as a virtual device. More importantly, nowhere does Day disclose translating files which include both image portions and work portions (claim 1) or indexing information (claim 6). Apparently, the Examiner has interpreted Day’s disclosure of the disk controller’s use of a PIE (physical information and extension) file as analogous to the work and indexing information included within the legacy data files or first format data files of the present invention. Upon a careful reading of the Day reference, this is clearly not so. Rather, the PIE files (600) disclosed in the Day reference instead relate to data files which include information regarding the physical layout of the data system. As clearly set forth in col. 5, lines 22-24, “the PIE file 600 is not truly user data, but rather includes system data made to appear as user data to make it easily accessible.” The work and indexing information contained in the legacy data files and converting in the claimed manner is clearly “user data” as defined in Day and results from application running on top of the data structure and within user applications. Clearly, the use of PIE information in Day does not equate or disclose conversion of complex data files as recited by the present claims.

Additionally, the Examiner equates the intermediary controller 250 of Day with the extraction server/program of the present invention. However, it would seem that the intermediary controller 250 of Day does not perform any extraction functions on original data. Rather, according to col. 4, lines 38-47, “the intermediary controller 250 determines for the open system host 210 where the data *appears* to be on the virtual device. Thus, the “what” of the data and the physical “where” is set by the originating host 212, but the “virtual where” is set by the intermediary controller 250. Thus the intermediary controller 250 provides file system translation which allows the open system host 210 to access data of the originating host 212 without physically moving the data to a new storage device.” Accordingly, it would appear that the file system translation of Day is not analogous or does disclose or suggest the file extraction and conversion system of the present invention.

Turning to the cited Crawford reference, which the Examiner cites as disclosing or suggesting the conversion verification program of the present invention. More particularly, the Examiner cites the Replica System Program of step 502 as meeting these requirements. Applicant respectfully disagrees with this position. Contrary, to the Examiner's position, the Replica System program is not a conversion verification program designed to ensure accurate conversion of files from one format to another. Rather, the Replica System program is a security program designed to validate requests for disk access (see col. 32, lines 3-5). As with the Day reference, no data conversion appears to actually occur. Rather, access to disk locations and structures is merely enabled from other disk structures.

For at least these reasons, Applicant respectfully submits that all claims 1-16 are allowable over the cited references. Timely issuance of a Notice of Allowance is thereby requested.

CONCLUSION

Applicant respectfully submits that the application, as amended, is in condition for allowance. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or over the telephone, we would welcome the opportunity to do so. However, in the event any fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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E. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any further fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

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